

REMARKS

I. Status

The Office Action indicates claims 1-45 to be pending in this application. With this response, claims 46-56 are added, and claims 1-16, 19, 20, and 33-45 are canceled without prejudice or disclaimer. No new matter has been added.

Claims 1-3, 5-6, 8, 10-19, 21, 22, 24, 26-35, 37, 38, and 41-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Kessler (U.S. Patent No. 6,741,288).

Claims 4, 20, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Kakizaki (U.S. Patent No. 6,229,883).

Claims 9, 25, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Park (U.S. Patent No. 6,724,981).

Claims 7, 23, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Levitan (U.S. Pub. No. 2002/0147769).

Claims 1, 14-17, 30-33, and 43-45 are independent.

II. Rejection of Independent Claims 17, 30, 31, and 32

The Office Action rejects independent claims 17, 30, 31, and 32 under 35 U.S.C. 102(e) as being anticipated by Kessler.

However, the Applicant respectfully observes that Kessler fails, for example, to disclose, teach, or suggest:

“... transmitting a service having a control channel over a first portion of a transport stream, in accordance with a first configuration parameter of the service stored by an end user terminal in which the control channel is identified with the first portion of the transport stream;

transmitting a second configuration parameter to the end user using without receiving interactive information from the end user terminal, the second configuration parameter identifying the control channel with a second portion of the transport stream; and

transmitting the service to the end user terminal over the second portion of the transport stream”

as set forth in claim 17 (emphasis added), and as similarly set forth in each of claims 30 and 31.

As an additional example, Kessler fails to disclose, teach, or suggest:

“... receiving a service having a control channel over a first portion of a transport stream, in accordance with a first configuration parameter of the service stored by an end user terminal in which the control channel is identified with the first portion of the transport stream;

receiving a second configuration parameter through the control channel without providing interactive information, the second configuration parameter identifying the control channel with a second portion of the transport stream; and

accessing the service over the second portion of the transport stream”

as set forth in claim 32 (emphasis added).

The Office Action contends with respect to Kessler that:

“... the first portion of the transport stream [is] the transport stream the service is transmitted on before receiving the updated PMT. Likewise, the second portion of the transport stream is the transport stream the service is transmitted on after receiving the updated PMT (col. 8, lines 33-67, col. 3 lines 26-50)”

(see Office Action p. 5 - p. 6; emphasis added).

However, the Applicant respectfully submits that even mere discussion of a transport stream on which the service is transmitted before receiving the updated PMT and a different transport stream on which the service is transmitted after receiving the updated PMT

would not at all be disclosure, teaching, or suggestion, for instance, of a first portion of a transport stream and a second portion of the same transport stream.

In view of at least the foregoing, the Applicant respectfully submits that claims 17, 30, 31, and 32, as well as those claims that depend therefrom, are in condition for allowance.

III. Addition of Independent Claim 46

With this response independent claim 46 is added. No new matter has been added.

The Applicant respectfully submits that claim 46, as well as those claims that depend therefrom, are in condition for allowance for at least the same reasons that claim 32 is in condition for allowance.

IV. Dependent Claim Rejections

The Applicant does not believe it is necessary at this time to further address the rejections of the dependent claims as the Applicant believes that the foregoing places the independent claims in condition for allowance. The Applicant, however, reserves the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

(Continued on next page)

CONCLUSION

The Applicant respectfully submits that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

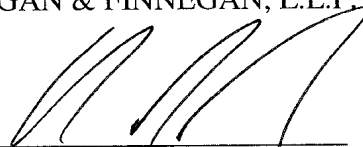
The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4060.

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By:

A handwritten signature in black ink, appearing to read 'Angus R. Gill', is written over a horizontal line.

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